

Adam Wang

From: Dana Butler [DButler@go4law.com]
Sent: Wednesday, May 14, 2008 3:07 PM
To: waqw@sbcglobal.net; Tomas Margain
Cc: Grant Carlson
Subject: RE: Balarezo v. Nth Conenct

Dear Mr. Wang,

This letter will serve as a partial response to your meet and confer letter dated May 7, 2008, in which you seek further responses and additional documents from defendants in response to Plaintiff's Amended Request for Production of Documents, Set One (hereinafter "Amended RFP").

First, without addressing each of the categories you have raised in Section I as to plaintiff Balarezo, please be advised that the documents you have sought pertaining to Mr. Balarezo via this letter are extensive. Before we can even begin to produce them, we will need to ascertain (1) whether such documents exist, (2) how voluminous they are and how long they will take to retrieve, and (3) whether they are encompassed in your requests and are otherwise not privileged. Your deadline demanding a further written response and production of these documents within 10 days of receipt of your letter is thus unrealistic, as it does not even permit time to meet and confer. We will need at minimum an additional two weeks to ascertain what documents exist and to respond in detail to your letter, and will do so by May 28, 2008.

Second, as to the issues you raise in Section II of the letter as to Osmin Avila, and Section III of the letter as to Putative Class Members, please correct us if we are wrong, but it is our understanding that (1) the Amended RFP was served *prior* to your filing an amended complaint that named Osmin Avila as a plaintiff, and (2) our response to the Amended RFP were also served *prior* to the Court's Ruling on the Hoffman-La Roche Motion. Thus, as was noted in defendants' response thereto, it appears that the only person as to whom you were entitled to request discovery at the time was Vladimir Balarezo. If you are aware of any authority that makes previously-served discovery binding on later-added parties, or authority which makes a Court ruling on a Hoffman-La Roche motion sufficient to compel responses of a party to previously-served discovery, please let us know and we will be happy to reconsider our position.

Sincerely,

Dana Butler

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From: Adam Wang [mailto:waqw@sbcglobal.net]

Sent: Wednesday, May 07, 2008 12:05 PM

To: Grant Carlson

Cc: 'Tomas Margain'

Subject: Balarezo v. Nth Conenct

Grant,

Attached please find a letter in efforts to resolve discovery disputes informally. A hard copy is also sent to you by mail.

Adam Wang